

### **REMARKS/ARGUMENTS**

Claims 1, 2, 7, 9, 11-26, 31, 33, 35-50, 55, 57 and 59-72 are pending in the application. Claims 1, 25, 26, 31, 33, 35, and 36-49 are amended. No claims are cancelled. No claims are added. The amendments to the claims as indicated herein do not add any new matter to this application.

The Examiner is thanked for the interview with Brian Hickman on Monday, July 28<sup>th</sup>, 2008. During the interview, Mr. Hickman described how the claimed subject matter distinguishes over the references and presented proposed amended claims. Some agreements were made, which are reflected herein.

#### **CLAIMS REJECTION—35 U.S.C. § 112, SECOND PARAGRAPH**

Claims 1, 25 and 49 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter applicant regards as the invention.

Applicant has amended Claims 1, 25, and 49 by rearranging verbiage as discussed during the interview. Reconsideration is respectfully requested.

#### **CLAIM REJECTIONS--35 U.S.C. § 101**

Claims 25 and 49 were rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter.

Claim 25 has been amended to recite “A computer-readable storage medium storing ... .” By this amendment, it is clear that these claims do not cover non-statutory subject matter, such as “signals.” Support for the amendment can be found in the Specification at least at page 24, lines 18-23. The claims which depend from Claim 25 have been amended to be consistent with the amendment to Claim 25. Reconsideration is respectfully requested.

Claim 49 has been amended to recite “a client that includes memory operatively coupled to a processor.” Support for the amendment can be found in the Specification at least at page 25, lines 8-12. Reconsideration is respectfully requested.

CLAIM REJECTIONS—35 U.S.C. § 103

(a) Claims 1, 2, 5-7, 13, 16-19, 25, 26, 31, 37, 40-43, 49, 50, 55, 61, 62 and 65-67 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,317,761 ("Landsman"), further in view of U.S. Patent No. 6,687,746 ("Shuster"). This rejection is respectfully traversed.

Independent Claims 1, 25, and 49 recite a method, computer-readable storage medium, and a computer system in which causes the client to send to the porthole engine a second request for the requested content as an embedded item and the unrequested content as an embedded item. Independent Claims 1, 25, and 49 also recite the following features:

“wherein the initial request includes an address for the requested content, but does not include any embedded-item flag;  
wherein the second request includes said address for the requested content, and also includes an embedded-item flag that indicates to the porthole engine that the second request is for an embedded item;  
in response to detecting that the second request includes the embedded-item flag, responding to the second request by obtaining the requested content from the origin server without sending additional frame data to said client.”

Support can be found in the Specification at least at pages 16-17. As amended, independent Claims 1, 25, and 49 distinguish from the asserted combination of Landsman in view of Shuster. Any combination of Landsman with Shuster would not have suggested the claimed subject matter for the reasons set forth below.

Landsman fails to teach “causing the client to send to the porthole engine a second request for the requested content as an embedded item and the unrequested content as an embedded item.” At col. 8, lines 1-40, Landsman discusses a technique for addressing an accounting problem of counting how many times certain advertisements were completely viewed. At col. 8, lines 17-20, Landsman discloses that a request from one of the client PCs for the advertisement files is routed to the proxy server, which, in turn, directs the request onward to the advertisement web server. However, nowhere in this passage or anywhere else does Landsman discuss or contemplate causing the client to send to the proxy server any second request for the requested content as an embedded item and the unrequested content as an embedded item. There is no need in Landman’s technique for any second request at all because Landsman’s use of the initial request merely sends it to a proxy server, which sends it onto the

advertisement web server. The proxy server is used to access advertisement files from its local cache and to disseminate the advertisement to the PC. Such operation by the proxy server is merely routine.

Moreover, the Office Action asserts that Landsman fails to teach the quoted limitation.

Clearly, if Landsman does not teach causing the client to send to the porthole engine any second request, then Landsman fails to teach the following features which describe particular details about the second request:

“wherein the second request includes said address for the requested content, and also includes an embedded-item flag that indicates to the porthole engine that the second request is for an embedded item;  
in response to detecting that the second request includes the embedded-item flag, responding to the second request by obtaining the requested content from the origin server without sending additional frame data to said client.”

At col. 9, lines 8-38, Shuster discloses that in response to the receipt of a frameset, the user computer requests the Uniform Resource Locators for the various frames contained within the frameset from the provider computer. The end result is that the information from a provider server and a content server that corresponds to the URLs is transmitted to the user computer such that the frames in the frameset are displayed with information. At concern to Shuster is load-balancing. Thus, intermediate steps were performed by particular components (e.g., redirectors and scheduler) of Shuster to effect load balance of requests (see Shuster’s FIG. 5 and col. 8, lines 2-27.) However, nowhere in the cited portions of Shuster or anywhere else does Shuster disclose or suggest the particular details of the claimed second requested as quoted above. There is no need in Shuster’s load balancing technique for the second request to include an embedded-item flag that indicates to redirector, which may be characterized by the Office Action to be equivalent to the claimed porthole engine (see col. 8, lines 22-23) that the second request is for an embedded item. Clearly, because Shuster does not teach that the second request also includes an embedded flag, there is no need for Shuster to teach at least “in response to detecting that the second request includes the embedded-item flag.”

Thus, as amended, Claims 1, 25, and 49 clearly distinguish from the asserted combination of Landsman in view of Shuster, because any combination of Landsman and Shuster would not include and would not have suggested all features of the claimed subject matter. Reconsideration is requested.

(b) Claims 9, 11, 12, 33, 35, 36, 57, 59 and 60 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Landsman and Shuster further in view of U.S. Patent No. 6,553,393 ("Eilbott"). This rejection is respectfully traversed.

Claims 12, 36, and 60 recite a method, computer-readable storage medium, and a computer system in which the porthole engine determines that said second request for said requested content is not an initial request for said requested content by using information contained in the URL associated with said initial request and with said second request. As shown above, the combination of Landsman and Shuster fails to teach the particular details of at least the claimed second request. Thus, the combination of Landsman and Shuster cannot teach wherein the porthole engine determines that the second request is not an initial request, because it does not know how to identify the claimed second request. Moreover, the combination of Landsman and Shuster cannot teach wherein the porthole engine determines that the second request is not an initial request by using information contained in the URL, because Landsman does not disclose the claimed second request and Shuster's redirector makes no such determination. Shuster's redirector parses URLs (Shuster, col. 8, lines 14-15). Shuster does not disclose or suggest the redirectors using information contained in the URL to determine that the second request is not an initial request.

Eilbott discloses a method in which, in response to receipt of a client request intercepted by a proxy server, the proxy server retrieves a given page from an origin server. The origin server data stream usually includes a plurality of embedded object references identified by given tags. The routine continues to test whether all image tags have been processed. Eilbott asserts that an image is typically set off by a tag, <img src=pathname>, and as is well known. If not, the routine continues to find a next image tag set. The routine then continues to add its address to an internal list. However, Eilbott is completely silent about an initial request and a second request. Further, Eilbott does not disclose or suggest the proxy server (porthole engine) determining that any second request for said requested content is not an initial request for said requested content by using information contained in the URL associated with said initial request and with said second request. Thus, any combination of Landsman in view of Shuster and further in view of Eilbott does teach all features of the claimed subject matter.

Moreover, the Office Action failed to rely on any part of Eilbott to support the rejection above.

Reconsideration is respectfully requested.

Claims 9, 11, 33, 35, 57, and 59 are dependent upon and therefore include all features of independent Claims 1, 25, and 49, respectively, each of which is in condition for allowance for the reasons given above. Eilbott does not cure the deficiencies of Landsman and Shuster with respect to the features of Claims 1, 25, and 49, and therefore the combination of the three references does not present a *prima facie* case of unpatentability of Claims 9, 11, 33, 35, 57, or 59. Thus, Claims 9, 11, 33, 35, 57, and 59 are allowable over a combination of Landsman, Shuster, and Eilbott. Reconsideration is respectfully requested.

(c) Claims 14, 15, 38, 39, 63 and 64 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Landsman and Shuster further in view of U.S. Patent No. 6,606,653 ("Ackermann"). This rejection is respectfully traversed.

Claims 14, 38, and 63 recite a method, computer-readable storage medium, and a computer system in which the step of sending frame data to said client includes the step of rewriting a link in an embedded frame document to affect frame behavior. Landsman discloses a browser displaying advertisements in frames (col. 31, lines 65-67 through col. 32, lines 1-49.) However, in such description and elsewhere, Landsman is completely silent about rewriting any link in any embedded frame document. Shuster discusses the redirector sending an empty frameset data to the client computer (col. 8, lines 60-61.) Shuster also discusses particular details about the frameset and particular details about frames. However, in such description and elsewhere, Shuster is completely silent about rewriting any link in any embedded frame document.

Moreover, the Office Action asserted that Landsman and Shuster fail to teach the above feature.

Ackerman discloses updating embedded links to reflect new URLs (see Abstract.) However, updating a link to reflect any new URL cannot be characterized as rewriting a link to affect frame behavior, because the URL affects which content will be loaded into the frame, and not the frame itself. In contrast, rewriting a link to affect frame behavior is not concerned with which content is loaded, but affects the behavior of the frame into which the content is loaded.

The content (URL) and frame (into which the content is loaded) are two distinct entities. Thus, Ackerman does not cure the deficiencies of Landsman and Shuster with respect to this particular feature. Reconsideration is respectfully requested.

Claims 15, 39, and 64 are dependent upon and therefore include all features of independent Claims 1, 25, and 49, respectively, each of which is in condition for allowance for the reasons given above. Ackerman does not cure the deficiencies of Landsman and Shuster with respect to the features of Claims 1, 25, and 49, and therefore the combination of the three references does not present a *prima facie* case of unpatentability of Claims 15, 39, or 64. Thus, Claims 15, 39, and 64 are allowable over a combination of Landsman, Shuster, and Ackerman. Reconsideration is respectfully requested.

(d) Claims 20, 44 and 68 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Landsman and Shuster further in view of U.S. Patent No. 6,704,873 ("Underwood"). This rejection is respectfully traversed.

Claims 20, 44 and 68 are dependent upon and therefore include all features of independent Claims 1, 25, and 49, respectively, each of which is in condition for allowance for the reasons given above. Underwood does not cure the deficiencies of Landsman and Shuster with respect to the features of Claims 1, 25, and 49, and therefore the combination of the three references does not present a *prima facie* case of unpatentability of Claims 20, 44 and 68. Thus, Claims 20, 44 and 68 are allowable over a combination of Landsman, Shuster, and Underwood. Reconsideration is respectfully requested.

(e) Claims 21-23, 45-47 and 69-71 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Landsman and Shuster further in view of U.S. Patent No. 6,499,042 ("Markus"). This rejection is respectfully traversed.

Claims 21-23, 45-47 and 69-71 are dependent upon and therefore include all features of independent Claims 1, 25, and 49, respectively, each of which is in condition for allowance for the reasons given above. Markus does not cure the deficiencies of Landsman and Shuster with respect to the features of Claims 1, 25, and 49, and therefore the combination of the three references does not present a *prima facie* case of unpatentability of Claims 21-23, 45-47 and 69-

71. Thus, Claims 21-23, 45-47 and 69-71 are allowable over a combination of Landsman, Shuster, and Shapiro. Reconsideration is respectfully requested.

(f) Claims 24, 48 and 72 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Landsman and Shuster further in view of U.S. Patent No. 5,991,810 ("Shapiro"). This rejection is respectfully traversed.

Claims 24, 48 and 72 are dependent upon and therefore include all features of independent Claims 1, 25, and 49, respectively, each of which is in condition for allowance for the reasons given above. Shapiro does not cure the deficiencies of Landsman and Shuster with respect to the features of Claims 1, 25, and 49, and therefore the combination of the three references does not present a *prima facie* case of unpatentability of Claims 24, 48 and 72. Thus, Claims 24, 48 and 72 are allowable over a combination of Landsman, Shuster, and Shapiro. Reconsideration is respectfully requested.

## CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,  
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